

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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JAMES FUTRELL

Plaintiff,

v.

**CASE NO.: 1:24-cv-09200-LGS**

W 54-7 LLC, and RAYMANGANO 7<sup>TH</sup> AVE.  
PIZZA CORP.,

Defendants.

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**DEFENDANT RAYMANGANO 7<sup>TH</sup> AVE. PIZZA CORP.'S ANSWER AND  
AFFIRMATIVE DEFENSES TO PLAINTIFF'S COMPLAINT**

Defendant, Raymangano 7<sup>th</sup> Ave. Pizza Corp. ("Defendant"), through undersigned counsel and pursuant to Federal Rules of Civil Procedure 8 and 12, answer the Complaint (Doc. 1) filed by Plaintiff, James Futrell ("Plaintiff"), and assert defenses and affirmative defenses as follows:

**NATURE OF THE CLAIMS**

1. Defendant admits Plaintiff purports to bring this action against Defendants alleging violations pursuant to Title III of the Americans with Disabilities Act ("ADA") 42 U.S.C. §§ 12181 *et. Seq*, the New York State Human Rights Law ("NYSHRL"), Article 15 of the New York State Executive Law ("Executive Law"), the New York State Civil Rights Law, § 40 *et. seq.*, and the New York City Human Rights Law ("NYCHRL"), and Title 8 of the Administrative Code of the City of New York ("Administrative Code"), but deny Plaintiff's entitlement to any relief.

2. Defendant denies the allegations in Paragraph 2 of the Complaint.

### **JURISDICTION AND VENUE**

3. Defendant admits that the Court has jurisdiction over this matter but denies the remaining allegations.
4. Defendant admits that venue is proper in New York.

### **PARTIES**

5. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 5 of the Complaint.
6. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 6 of the Complaint.
7. Defendant admits the allegations in Paragraph 7 of the Complaint.
8. Defendant admits the allegations in Paragraph 8 of the Complaint.
9. Defendant admits the allegations in Paragraph 9 of the Complaint.
10. Defendant admits that it has entered and maintains a lease agreement with W 54-7 LLC.
11. Defendant admits being licensed and doing business in New York but is without sufficient knowledge or belief to admit or deny the remaining allegations in Paragraph 11 of the Complaint.

### **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

12. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor denies, and, therefore, denies the allegations in Paragraph 12 of the Complaint.
13. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor denies, and, therefore, denies the allegations in Paragraph 13 of the Complaint.

14. Defendant denies the allegations in Paragraph 14 of the Complaint.
15. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 15 of the Complaint.
16. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 16 of the Complaint.
17. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 17 of the Complaint.
18. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 18 of the Complaint.
19. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 19 of the Complaint.
20. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 20 of the Complaint.
21. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 21 of the Complaint.
22. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 22 of the Complaint.
23. Defendant denies the allegations in Paragraph 23 of the Complaint.
24. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 24 of the Complaint.
25. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 25 of the Complaint.

26. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 26 of the Complaint.
27. This Paragraph, including subsections I to XXXIII, sets forth legal conclusions for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 27 of the Complaint.
28. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 28 of the Complaint.
29. Defendant denies the allegations in Paragraph 29 of the Complaint.
30. Defendant denies the remaining allegations in Paragraph 30 of the Complaint.
31. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 31 of the Complaint.
32. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 32 of the Complaint.
33. Defendant denies the allegations in Paragraph 33 of the Complaint.
34. Defendant denies the allegations in Paragraph 34 of the Complaint.
35. Defendant denies the allegations in Paragraph 35 of the Complaint.
36. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 36 of the Complaint.
37. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 37 of the Complaint.
38. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 38 of the Complaint.

39. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 39 of the Complaint.
40. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 40 of the Complaint.
41. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 41 of the Complaint.
42. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 42 of the Complaint.
43. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 43 of the Complaint.
44. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 44 of the Complaint.
45. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 45 of the Complaint.
46. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 46 of the Complaint.
47. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 47 of the Complaint.
48. Defendant denies the allegations in Paragraph 48 of the Complaint.
49. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 49 of the Complaint.

50. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 50 of the Complaint.

51. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 51 of the Complaint.

52. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 52 of the Complaint.

**FIRST CAUSE OF ACTION**

**(VIOLATIONS OF THE AMERICANS WITH DISABILITIES ACT).**

53. Defendant repeats each and every response to the allegations contained in the preceding paragraphs of this Answer to Complaint.

54. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 54 of the Complaint.

55. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 55 of the Complaint.

56. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 56 of the Complaint.

57. Defendant denies the allegations in Paragraph 57 of the Complaint.

58. Defendant denies the allegations in Paragraph 58 of the Complaint.

59. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 59 of the Complaint.

60. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 60 of the Complaint.

61. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 61 of the Complaint.

62. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 62 of the Complaint.

63. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 63 of the Complaint.

64. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 64 of the Complaint.

65. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 65 of the Complaint.

66. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 66 of the Complaint.

67. Defendant denies the allegations in Paragraph 67 of the Complaint.

**SECOND CAUSE OF ACTION**  
**(VIOLATIONS OF THE NEW YORK CITY HUMAN RIGHTS LAW)**

68. Defendant repeats each and every response to the allegations contained in the preceding paragraphs of this Answer to Complaint.

69. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 69 of the Complaint.

70. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 70 of the Complaint.

71. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 71 of the Complaint.

72. Defendant denies the allegations in Paragraph 72 of the Complaint.

73. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 73 of the Complaint.

74. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 74 of the Complaint.

75. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 75 of the Complaint.

76. Defendant denies the allegations in Paragraph 76 of the Complaint.

77. Defendant denies the allegations in Paragraph 77 of the Complaint.

78. Defendant denies the allegations in Paragraph 78 of the Complaint.

79. Defendant denies the allegations in Paragraph 79 of the Complaint.

**THIRD CAUSE OF ACTION**  
**(VIOLATIONS OF THE NEW YORK CITY HUMAN RIGHTS LAW)**

80. Defendant repeats each and every response to the allegations contained in the preceding paragraphs of this Answer to Complaint.

81. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 81 of the Complaint.

82. This Paragraph including its unnumbered subsections set forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 12 of the Complaint.

83. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 83 of the Complaint.



84. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 84 of the Complaint.
85. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 85 of the Complaint.
86. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 86 of the Complaint.
87. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 87 of the Complaint.
88. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 88 of the Complaint.
89. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 89 of the Complaint.
90. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 90 of the Complaint.
91. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 91 of the Complaint.
92. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 92 of the Complaint.
93. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 93 of the Complaint.
94. Defendant denies the allegations in Paragraph 94 of the Complaint.
95. Defendant denies the allegations in Paragraph 95 of the Complaint.

96. Defendant denies the allegations in Paragraph 96 of the Complaint.

97. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 97 of the Complaint.

98. Defendant denies the allegations in Paragraph 98 of the Complaint.

99. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 99 of the Complaint.

100. Defendant denies the allegations in Paragraph 100 of the Complaint.

101. Defendant denies the allegations in Paragraph 101 of the Complaint.

**FORTH CAUSE OF ACTION**  
**(VIOLATIONS OF THE NEW YORK STATE CIVIL RIGHTS LAW)**

102. Defendant repeats each and every response to the allegations contained in the preceding paragraphs of this Answer to Complaint.

103. Defendant denies the allegations in Paragraph 103 of the Complaint.

104. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 104 of the Complaint.

105. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 105 of the Complaint.

**INJUNCTIVE RELIEF**

106. Defendant denies the allegations in Paragraph 106 of the Complaint.

107. Defendant denies the allegations in Paragraph 107 of the Complaint.

108. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations in Paragraph 108 of the Complaint.

### **PRAYER FOR RELIEF**

In response to WHEREFORE Paragraph following Paragraph 108 of the Complaint, including subsections, Defendant denies all factual allegations and denies that Plaintiff is entitled to any relief in this action.

### **GENERAL DENIAL**

All allegations in the Complaint not expressly admitted are denied.

### **FIRST DEFENSE**

Plaintiff has failed to state a claim upon which relief can be granted.

### **SECOND DEFENSE**

Plaintiff's claims are barred, in whole or in part, because the premises are accessible.

### **THIRD DEFENSE**

If any of the unlawful acts and omissions alleged in the Complaint were engaged in by Defendant, which Defendant vigorously denies, they did not engage in such acts or omissions knowingly, intentionally or willfully, and therefore, Plaintiff's claims for liquidated damages are barred.

### **FOURTH DEFENSE**

Defendant cannot fully anticipate all defenses which may be applicable to this action. Accordingly, the right to assert additional defenses, to the extent such defenses are applicable, is hereby reserved.

Dated this 14th day of February 2025.

Respectfully submitted,

SPIRE LAW, LLC  
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New York, NY 10016

By: /s/ Ian E. Smith  
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*Attorney for Defendant.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 14th day of February 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Ian Smith  
Attorney